

GUARDIANSHIP OF A MINOR

1

To Get a Permanent Appointment for a Minor

**Part 1: Preparing the First Court Papers
(Forms and Instructions)**

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SELF SERVICE CENTER

**FOR APPOINTMENT OF A PERMANENT GUARDIAN
FOR A MINOR**

**PART 1: Preparing the First Court Papers
(Forms and Instructions)**

How to assemble these documents

This packet contains court forms and instructions to file the first court papers for a permanent appointment of a guardian for a minor. The documents should appear in order as listed below. The items listed in **BOLD** are forms you will need to fill out, copy, and submit to the Court. The other items are information or instruction pages. Do not copy or file the instructions and other non-bold items.

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SELF SERVICE CENTER

APPOINTMENT OF "PERMANENT" GUARDIAN FOR A MINOR CHECKLIST

YOU MAY USE THESE FORMS IF:

- ✓ You want to have the court appoint a guardian for a minor, and you know that you do not need the court to appoint a *conservator* for the minor, AND
- ✓ The minor lives in Maricopa County, AND
- ✓ Both parents have signed - or will sign - a Voluntary Consent, AND.
- ✓ If you are NOT related by blood to the minor, you already have or you will get your fingerprints taken for submission to DPS (Arizona Department of Public Safety) and the FBI for a criminal background check.

A minor generally needs a **GUARDIAN**:

1. If the minor needs the care and supervision of an adult, which is not presently available.

A minor generally needs a **CONSERVATOR**:

1. If the minor owns money or property in excess of \$5,000 that requires management or protection, which cannot be otherwise provided;
2. The minor has business affairs/assets which may be jeopardized or prevented by his or her being a minor; and/or
3. The minor needs funds for his or her support and education and protection is necessary or desirable to obtain or provide the funds.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

SELF SERVICE CENTER

HOW TO ASK THE COURT TO APPOINT A PERMANENT GUARDIAN OF A MINOR

USE THIS PACKET if you want to be appointed a guardian for a person under the age of 18.

This packet does **NOT** help you with the following processes:

- Guardianship or conservatorship for persons 18 years or older;
- Temporary or emergency appointments of guardians or conservators;
- Conservators for minors
- Guardians for severely disabled adults;
- Testamentary (by will) appointment of a guardian of a minor

Follow each step carefully. Each step contains certain forms, and some of these forms have extra instruction sheets to help you. The whole process will take at least a couple of months.

FIRST STEPS:

1

MAKE SURE YOU NEED TO BE APPOINTED AS GUARDIAN ONLY, AND NOT A CONSERVATOR, TOO.

If you are not sure, see the Checklist at the beginning of the forms packet, the Self-Service Center information describing the different requirements for guardianships and conservatorships, or consult an attorney. The Self-Service Center has separate packets for adults and for minors for guardians or conservators, as well as for guardians and conservators combined.

2

FINGERPRINTS. Arizona law (A.R.S. Section 14-5206) requires that any person asking to be appointed guardian of a minor to whom he/she is **not related by blood** must be fingerprinted and have a background investigation through the Arizona Department of Public Safety and the FBI in Washington, D.C., to help the Court determine that person's suitability to act as a guardian of a minor. See **Step 8** below describing how and where to get your fingerprints taken.

Note: In Maricopa County completed Fingerprint cards must be submitted to the Clerk of the Court, Juvenile Division, within **5 days** of filing the Petition for Permanent Appointment of Guardianship of a Minor.

3

COMPLETE AND COPY THE COURT FORMS IN THIS PACKET: Fill out all the forms completely and in **black ink**.

- **JUVENILE GUARDIANSHIP INFORMATION SHEET.** Complete everything but the "Case Number". The Clerk of the Court will stamp a Juvenile Court Case Number, starting with the letters "**JG**" when you file the papers. You will use this case number on all court papers you file with the Clerk in this case.
- **PETITION FOR APPOINTMENT OF PERMANENT GUARDIAN of a Minor.** Fill out all the information carefully and notify the people entitled to receive notice about this matter. If you have questions about who is entitled to notice see the Self-Service Center Packet on **Service and Notice of Hearing**, then read the document called INFORMATION ON LEGAL NOTICE FOR GUARDIANSHIP of a Minor.

- **AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN (ARS §14-5106).** This document must be completed by the person who wants to be appointed as guardian of the minor (usually the Petitioner). You must file this Affidavit with your "***Petition for Permanent Appointment as Guardian of a Minor***".
- **CONSENT OF PARENT TO GUARDIANSHIP.** This document must be completed and signed by BOTH parents of the minor, if they are living, have not had their parental rights terminated by a Court Order, or have not been declared incompetent by a Court. If you only can find one parent, have that parent sign the Consent. However, be prepared to explain to the Court at the hearing why only one parent or no parents signed the consent and to prove to the Court you did everything you could to try to find the parent(s) by publishing notice. See the Self Service Center packet "***Service When You Can't Find the Other Party***" for more information on service of notice by publication.

- 4 COPIES:** Make **2 copies** of all the completed forms listed above. Assemble the copies so that you have **3 complete packets** – one set of originals and two sets of copies. The Clerk of the Court will keep the original documents; one set of copies will be for the petitioner's records, and one set of copies is for service.

TO FILE THE PAPERS AT THE COURT:

- 5 DETERMINE WHERE TO FILE THE COURT FORMS:**

There are two facilities for the Maricopa County Juvenile Court:

Durango Facility
3131 W. Durango Street
Phoenix, AZ 85009

Southeast Facility
1810 S. Lewis Street
Mesa, AZ 85210

Cases are assigned to a facility based upon the zip code of the residence of the petitioner. If the zip code is 85200 through and including 85299, or any zip code area that is east of Central Avenue in Phoenix, the case will probably be assigned to the Southeast Facility. Any zip code that is west of Central Avenue will probably be assigned to the Durango Facility.

You can present your documents for filing at either location, however, you are encouraged to take them to the correct facility for faster processing.

- 6 TAKE THE ORIGINALS AND COPIES TO THE CLERK TO BE FILED:** Take the **originals** and **2 sets of copies** of the following documents to the Clerk of the Court, Juvenile Division, on the first floor of the court, for processing:

- JUVENILE GUARDIANSHIP INFORMATION SHEET
- PETITION FOR PERMANENT APPOINTMENT OF GUARDIAN OF A MINOR
- AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN (ARS § 14-5106)
- CONSENT OF PARENT (if applicable)
- CONSENT OF (other) PARENT (if applicable)

NOTE: The Clerk will keep the originals and your copies of the documents. These will be sent to Juvenile Court Administration to have a Judge/Commissioner assigned and a hearing set. Once that is completed, the copies will be returned to you. You will also receive two copies of the Notice of Hearing. You will be called when your documents are ready to be picked up OR you may pay an additional \$5 postage and handling fee and the documents will be mailed to you.

- 7 PAY YOUR FILING FEE:** The filing fee of **\$166.00 is due at the time you file the Petition.** If you believe a fee waiver or deferral is appropriate, ask the filing counter clerk or the staff at the Self-Service Center for an **APPLICATION FOR FEE WAIVER OR DEFERRAL** before you file the Petition.

TO COMPLETE THE FINGERPRINT PROCESS:

- 8 TO GET YOUR FINGERPRINTS TAKEN:** If the proposed guardian is NOT related by blood to the minor child or children, ARS §14-5206 requires that the proposed guardian furnish a complete set of fingerprints.

The Court will provide the correct fingerprint card to you. To be fingerprinted, take the card to the Maricopa County Sheriff's Office, a police department or a private company that performs this service. It is suggested that you call ahead to determine hours of operation and costs. NOTE: Be sure to bring valid picture identification with you or your fingerprints will not be taken.

- The Maricopa County Sheriff's Department at 101 West Jefferson Street in Phoenix, (East Court Building, opposite the cafeteria) does fingerprinting on Mondays, Tuesdays and Thursdays, from 9:00 A.M. until 2:00 P.M.
- The Phoenix Police Department offers this service at its headquarters at 620 West Washington, in Phoenix, Monday through Friday from 7:30 a.m. to 4:30 p.m.
- Other police agencies may offer the service during limited days and hours for locally employed workers and residents only.
- You may also consult the yellow pages under "fingerprints" to find a private agency to fingerprint you.

You **MUST** return the completed fingerprint card and a \$34 fee for each card **WITHIN 5 DAYS** of filing the Petition to the Clerk of the Court, Juvenile Division.

Your hearing date will be set at about 8 weeks from the day you submit the fingerprint card to allow enough time for the criminal record check to be completed and sent to the Court.

- 9 OTHER HELP:** Court personnel can answer certain limited questions about the procedures involved, but only an attorney can give you legal advice. You can call the Maricopa County Bar Association's Lawyer Referral Service at 602-257-4434 to schedule a half-hour consultation for \$35, or find a lawyer in the yellow pages of your telephone book (or online) under "attorneys".

Also, the Self-Service Center has a list of lawyers who will, for a fee, assist you on a task-by-task basis or advise you on how to conduct your own case. The list shows where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is. You may view the list at the Self Service Center or on the Court's web site at: <http://www.superiorcourt.maricopa.gov/ssc/provider/lawyers.asp>

Name of Person Filing Document: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self or ☐ Attorney for _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In the matter of Guardianship of _____

Case Number JG _____

**JUVENILE GUARDIANSHIP INFORMATION
SHEET**

_____ A Minor

**THIS FORM IS TO BE COMPLETED BY THE PETITIONER(S) AND RETURNED
TO THE CLERK AT THE TIME OF FILING THE PETITION.**

This information is confidential and for Court use only, and is not part of the public record.

DESCRIPTION OF	PETITIONER	CO-PETITIONER
Name		
Address		
City, State, Zip		
Telephone Number	()	()
Date of Birth		
Social Security Number		
Passport Number		
Ethnicity		
Height		
Weight		
Color of Hair		
Color of Eyes		
Relationship to person(s) to be protected		

Private Fiduciary Certification or Licensing Number: _____

Date of birth of Minor(s): _____

Is the person you are seeking to assist a foreign national? _____ Yes _____ No

If yes, please specify country: _____

Name of Person Filing Document: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self or ☐ Attorney for _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In the Matter of the Guardianship of:

Case Number JG: _____

**PETITION FOR PERMANENT
APPOINTMENT OF GUARDIAN
OF A MINOR**

_____ A Minor

REQUIRED INFORMATION ABOUT PETITIONER, UNDER OATH OR AFFIRMATION:

1. INFORMATION ABOUT ME (the Petitioner):

Name: _____

Street Address: _____

City, State, Zip Code _____

Telephone _____ Date of Birth: _____

☐ I am related by blood to the person who needs a guardian ("the Minor").

(If applicable) HOW I am related to the Minor: _____
(Examples: grandmother, uncle, sister, etc.)

2. INFORMATION ABOUT THE MINOR WHO NEEDS A GUARDIAN.

Name: _____

Street Address: _____

City, State, Zip Code: _____

Telephone _____ Date of Birth: _____

The minor is ☐ married or ☐ unmarried.

Mother's Name: _____ Mother's Address: _____

Father's Name: _____ Father's Address: _____

3. **PERSON(S) ENTITLED TO NOTICE** of this court matter under Arizona law, A.R.S. 14-5207 for guardians, and to whom I will give notice of this case: (See instructions)

MOTHER

FATHER

(Addresses as listed in #2 above/preceding)

The MINOR (if over 14)

OTHER PERSONS ENTITLED TO NOTICE:

Name	Address	Relation to Minor
A		
B		
C		

4. **ASSETS OF THE MINOR WHOM I SAY NEEDS A GUARDIAN:** (check one box)

☐ The Minor has no substantial assets or income. No bond by Petitioner is required; OR,

☐ The Minor has assets and/or annual income in the approximate amount of \$ _____

Explain:

5. **PERSON TO BE APPOINTED GUARDIAN.** (Complete this section only if the Petitioner is filing these papers to request that someone else be appointed guardian.)

Name: _____

Street Address: _____

City, State, Zip Code: _____

Telephone _____ Date of Birth: _____

☐ The person to be appointed guardian **is related by blood** to the Minor who needs a guardian.

If "yes" above, HOW is the person to be appointed guardian related to the Minor?

(Examples: grandmother, uncle, sister)

6. **INFORMATION REGARDING GUARDIANSHIP**

To the best of my knowledge, (check one box):

☐ No Guardian or Conservator has been appointed by Will or by any court order, and no court proceedings are pending for such appointment; OR,

☐ Someone has been appointed Guardian or Conservator or court proceedings are pending. Explain who, when, in what court, and if the appointee is guardian or conservator):

7. **PARENTAL RIGHTS.** All parental rights of custody regarding the Minor have been suspended or terminated by:

- ☐ Written consent of the parent(s) to the guardianship. **(Notarized copy must be attached)**
☐ Abandonment of the Minor for at least six (6) months prior to the filing of this Petition.
☐ Prior court order **(You must provide this Court with a certified copy of the order.)**.
☐ Other Circumstances: Explain:
-
-
-

8. **REASONS FOR REQUESTED PERSON TO BE APPOINTED GUARDIAN:** (Check one or more of the boxes that you think apply to the relationship of the proposed guardian to the person you say requires a guardian):

- ☐ Proposed appointee was selected by the Minor, who is at least 14 years old.
☐ Proposed appointee is a relative of the Minor and has had care and custody of the Minor for the last 6 months prior to filing this Petition.
☐ Proposed appointee was chosen to be the guardian by someone who is caring for the Minor or is paying benefits for the Minor.
☐ Proposed appointee is a public fiduciary, a professional guardian, conservator, or the Arizona Veterans' Service Commission.
☐ The proposed appointee is not related by blood to the Minor and the person will submit a full set of fingerprints to the court required by A.R.S. § 14-5206 at the time the hearing is set.

9. **REASONS I AM ASKING FOR A GUARDIANSHIP ORDER:** The appointment of a guardian for the Minor is necessary or desirable to provide continuing care and supervision of the Minor, and is in the best interests of the minor because: (explain):
-
-
-

REQUIRED STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION:
(Note: All of these statements must be true and you must check the box for each statement to indicate to the Court that each statement is true, or you cannot file this Petition.)

10. ☐ This Court is the proper **venue** for this case because the Minor who needs a guardian lives in or is present in this county.
11. ☐ The person who is requested to be the guardian has completed the required document called **Affidavit of Person to be Appointed as Guardian** and is filing that Affidavit with this Petition as required by Arizona law, A.R.S. §14-5106.
12. ☐ I, or the person I request to be appointed guardian in Section 5, is a suitable and proper person to act as guardian and is entitled to consideration for appointment under Arizona Law, A.R.S. §14-5106, and/or 14-5410.

REQUESTS TO THE COURT FOR AN ORDER, UNDER OATH OR AFFIRMATION:

1. Schedule a hearing to determine if a Guardianship is appropriate;
2. After Petitioner gives notice of the hearing to all interested persons and to those required by law, hold a hearing to determine if the Court should order a Guardianship;
3. Appoint a Permanent Guardian of the Minor; and
4. Make any other orders the Court decides are in the best interests of the Minor.

PETITIONER'S OATH OR AFFIRMATION AND VERIFICATION FOR PETITION FOR PERMANENT APPOINTMENT OF GUARDIAN FOR A MINOR

I, the Petitioner, affirm or swear under oath, that I have read this Petition. All the statements in the Petition are true and correct and complete to the best of my knowledge and belief.

SIGNED: _____

by:

Subscribed and sworn to or affirmed before me this date: _____

Notary

Michael K. Jeanes, Clerk of Superior Court

OR

My commission expires: _____

By: _____
Deputy Clerk

PName of Person Filing Document: _____

Your Address: _____

Your City, State, Zip Code: _____

Your Telephone Number: _____

Attorney Bar Number (if applicable): _____

Representing ☐ Self (Without a Lawyer) OR ☐ Attorney for: _____

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the Guardianship of

Case Number: JG _____

AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN

a Minor

INSTRUCTIONS: The person who wants to be appointed the guardian must answer each statement as TRUE or FALSE. Each answer that is false must be explained in writing in an attachment to this affidavit.

STATEMENTS MADE UNDER OATH OR AFFIRMATION TO THE COURT:

Arizona law A.R.S. §14-5106 requires the person seeking appointment to answer items 1-11. This document must be filed with the *"Petition for Permanent Appointment of Guardian for a Minor"*.

The nature of my relationship to the Minor is:

I met the Minor under the following circumstances:

1. ☐ True or ☐ False. I have not been convicted of a felony in any jurisdiction.
2. ☐ True or ☐ False. I have not acted as a guardian for another person for at least three years before I filed this Petition.
3. ☐ True or ☐ False. I know and understand the powers and duties I would have as a guardian.
4. ☐ True or ☐ False. I have not had a power of attorney for anyone for at least three years before I filed this Petition.
5. ☐ True or ☐ False. Arizona law requires that a guardian file an annual report with the Court. If I have been a guardian before, I either filed the required documents on time, or within 3 months of receiving a notice from the court that the report was due.
6. ☐ True or ☐ False. I have never been removed as a guardian or conservator by the Court.
7. ☐ True or ☐ False. I have never received anything of value greater than a total of one hundred dollars in any one year by gift, or will, or inheritance from an individual or the estate of an individual to whom I was not related by blood or marriage and for whom I served at any time as guardian, conservator, trustee, or attorney-in-fact.

8. ☐ True or ☐ False. No business in which I have an interest has ever received anything of value greater than a total of one hundred dollars in any one year by gift, or will, or inheritance from an individual or the estate of an individual to whom I am not related by blood or marriage and for whom I served at any time as guardian, conservator, trustee, or attorney-in-fact.
9. ☐ True or ☐ False. To the best of my knowledge, I am not named as a personal representative, trustee, beneficiary, or other type of beneficiary for any individual to whom I am not related by blood or marriage and for whom I have ever served as guardian, conservator, trustee, or attorney-in-fact.
10. ☐ True or ☐ False. To the best of my knowledge, no business in which I have an interest is named as a personal representative, trustee, beneficiary, or other type of beneficiary for any individual to whom I am not related by blood or marriage and for whom I have ever served as guardian, conservator, trustee, or attorney-in-fact.
11. ☐ True or ☐ False. I have no interest in any business that provides housing, health care, nursing care, residential care, assisted living, home health services, or comfort care services to any individual.

OATH OR AFFIRMATION OF THE PERSON SEEKING TO BE APPOINTED GUARDIAN

I have read this document. The information contained in this document is true, correct, and complete to the best of my belief and knowledge.

Signature

Subscribed and sworn to or affirmed before me this date: _____ by: _____

Notary

Michael K. Jeanes, Clerk of Superior Court

OR

My commission expires:

By: _____
Deputy Clerk

NOTE: IF YOU ANSWERED "FALSE" TO ANY QUESTION ABOVE, YOU MUST ATTACH AN EXPLANATION AS INSTRUCTED ON THE NEXT PAGE.

The page following is an instruction page only. Do *not* file it with the Court.

EXPLANATIONS THAT MUST BE ADDED TO THE AFFIDAVIT OF PERSON WHO WANTS TO BE APPOINTED (Required by Arizona Law: A.R.S. § 14-5106)

You must explain the following as an attachment to your Affidavit for any statement which you marked "F" (false). **FILE THE EXPLANATIONS WITH THE AFFIDAVIT, BUT DO NOT FILE THIS INSTRUCTION SHEET.** All the information in the explanations is also under oath to the court.

1. As to each felony for which you have been convicted, list:
 - a. The nature of the offense.
 - b. The name and address of the sentencing court.
 - c. The case number.
 - d. The date of conviction.
 - e. The terms of the sentence.
 - f. The name and telephone number of any current probation or parole officer.
 - g. The reasons why the conviction should not disqualify you from appointment.
2. If you have acted as guardian or conservator within three years before filing this petition, list:
 - a. The names of individuals for whom you are currently serving, and court case numbers.
 - b. The names of individuals for whom your appointment has been terminated within the three-year period, and the court case number.
3. If you do not have the required information, please explain how you intend to obtain this information.
4. State the total number of persons for whom you have done this. If you have acted under a power of attorney for the Minor/protected person, explain:
 - a. The date the power of attorney was signed.
 - b. The place where it was signed.
 - c. The actions you have taken pursuant to the power of attorney.
 - d. Whether the power of attorney is currently in effect.
5. List the name and location of the court and the name and case number of the files in which you were delinquent in filing the required report.
6. List the name and location of the court, the name and case number of each file, and the circumstances of your removal.
7. State the number of occasions on which you received such gifts, list the gifts, the dates they were received, describe the gifts and list the value of each.
8. State the number of occasions on which the business received such gifts, list the gifts, the dates they were received, describe the gifts and list the value of each.
9. State the number of occasions on which you have been so named.
10. State the number of occasions on which the business was named.
11. List the name and address of each business and the extent and nature of your interest.

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self ☐ Attorney for _____

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the matter of the Guardianship of

Case Number: JG _____

CONSENT OF PARENT TO GUARDIANSHIP OF MINOR CHILD (AND WAIVER OF NOTICE)

_____ A Minor

REQUIRED INFORMATION FROM PARENT, UNDER OATH or AFFIRMATION:

1. INFORMATION ABOUT ME:

Name: _____

Street Address: _____

City, State, Zip Code: _____

Telephone: _____ Date of Birth: _____

I am the ☐ MOTHER or ☐ FATHER of the minor child(ren) named above, who needs a guardian.

2. I have read the Petition for Permanent Appointment of Guardian of a Minor and consent to the appointment of (name) _____ to be the guardian of the minor child(ren).

3. ☐ (OPTIONAL) I waive notice of all further proceedings in this matter. I understand that I can reverse this waiver by filing a written document with the court under this court case number declaring that I no longer waive notice of hearings and other court proceedings.

OATH OR AFFIRMATION OF THE PARENT

I have read, understood, and completed the above statements. Everything I have said is true and correct to the best of my knowledge, information and belief.

SIGNATURE: _____

Signed and sworn to or affirmed before me this _____ by: _____
date: _____

_____ Court
Notary

Michael K. Jeanes, Clerk of Superior

OR

My commission expires: _____ By: _____
Deputy Clerk